

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CYNOSURE, LLC, et al.,

Plaintiffs,

v.

REVEAL LASERS LLC., et al.,

Defendants.

Civil Action No. 1:22-cv-11176-PBS

DECLARATION OF BRUCE McFARLANE

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I, Bruce McFarlane, declare as follows:

1. I am an independent expert in analyzing and measuring the financial impact associated with alleged wrongful conduct. I hold a Bachelor of Arts degree in Business Administration from the University of Washington (1984). I held an active Certified Public Accountant license for 26 years until I elected to retire to inactive status in 2014. I am also a Certified Management Accountant.

2. In the above-captioned lawsuit, I prepared two expert reports concerning Cynosure's damages and testified at the jury trial regarding the same. I submit this declaration in support of Cynosure's Motion for Entry of Judgment in Favor of Plaintiffs on Their Chapter 93A Claim, for Prejudgment Interest, and for Attorneys' Fees and Costs. I have personal knowledge of the following facts, and, if called upon to do so, I could and would testify competently thereto.

3. I was asked to prepare a calculation of the amount of prejudgment interest sought by Cynosure in connection with the September 27, 2024 jury verdict. My calculations of prejudgment interest are shown in Appendix 1 and Appendix 2 of this Declaration.

4. I have been asked by counsel to assume that the rate of prejudgment interest to which Cynosure is entitled is 12 percent per annum without compounding (i.e., simple interest).

5. I have been asked by counsel to calculate prejudgment interest during the period July 20, 2022 (the date Cynosure filed its original complaint in this matter) through October 25, 2024.

6. Applying these assumptions to the \$15,000,000 compensatory damages verdict regarding Reveal Lasers LLC and/or Reveal Lasers Ltd., prejudgment interest through October 25, 2024, is \$4,084,190.43 (Appendix 1). Damages plus prejudgment interest through October 25, 2024, total \$19,084,190.43 (Appendix 1).

7. Applying these assumptions to the \$5,000,000 compensatory damages verdict regarding Robert Daley, prejudgment interest through October 25, 2024, is \$1,361,396.81 (Appendix 1). Damages plus prejudgment interest through October 25, 2024, total \$6,361,396.81 (Appendix 1).

8. Applying these assumptions to the \$5,000,000 compensatory damages verdict regarding Chris Chambers, prejudgment interest through October 25, 2024, is \$1,361,396.81 (Appendix 1). Damages plus prejudgment interest through October 25, 2024, total \$6,361,396.81 (Appendix 1).

9. Applying these assumptions to the combined total \$25,000,000 compensatory damages verdict regarding Reveal Lasers LLC, Reveal Lasers Ltd., Robert Daley, and Chris Chambers, total prejudgment interest through October 25, 2024, is \$6,806,984.06 (Appendix 1). Total damages plus total prejudgment interest through October 25, 2024, is \$31,806,984.06 (Appendix 1).

10. I have also been asked to calculate the daily and cumulative prejudgment interest and damages post October 25, 2024, through January 31, 2025. My calculation of such is set forth in Appendix 2.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

October 25, 2024

By:



BRUCE McFARLANE

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF on October 25, 2024.

ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ Dipanwita Deb Amar
DIPANWITA DEB AMAR

Attorneys for Plaintiffs CYNOSURE, LLC
and LOTUS PARENT, INC.

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Appendix 1

Summary of Damages + Prejudgment Interest

Calculation of Damages + Prejudgment Interest Through October 25, 2024

Year	Prejudgment Interest				Damages + Prejudgment Interest
	Damages Verdict	Daily Prejudgment Interest Rate	Number of Days w/ Interest	Prejudgment Interest	
	[a]	[b]	[c]	[a] x [b] x [c]	
Reveal Lasers LLC and/or Reveal Lasers Ltd.					
2022	\$15,000,000	0.032877%	165	\$813,698.63	
2023	\$15,000,000	0.032877%	365	\$1,800,000.00	
2024	\$15,000,000	0.032787%	299	\$1,470,491.80	
				\$4,084,190.43	\$19,084,190.43
Robert Daley					
2022	\$5,000,000	0.032877%	165	\$271,232.88	
2023	\$5,000,000	0.032877%	365	\$600,000.00	
2024	\$5,000,000	0.032787%	299	\$490,163.93	
				\$1,361,396.81	\$6,361,396.81
Chris Chambers					
2022	\$5,000,000	0.032877%	165	\$271,232.88	
2023	\$5,000,000	0.032877%	365	\$600,000.00	
2024	\$5,000,000	0.032787%	299	\$490,163.93	
				\$1,361,396.81	\$6,361,396.81
All Defendants					
2022	\$25,000,000	0.032877%	165	\$1,356,164.38	
2023	\$25,000,000	0.032877%	365	\$3,000,000.00	
2024	\$25,000,000	0.032787%	299	\$2,450,819.67	
				\$6,806,984.06	\$31,806,984.06

[a] Jury Verdict Form, Cynosure v. Reveal Lasers, Civil Action No. 22-cv-11176-PBS, Document 646 filed 9/27/24, pp. 10, 11

[b] Calculation of Daily Prejudgment Interest Rate

Year	Prejudgment Interest Rate	Number of Days in Year	Daily PI Rate
			[d] = PI % / # of Days
2022	12.0%	365	0.032877%
2023	12.0%	365	0.032877%
2024	12.0%	366	0.032787%

[c] Calculation of Number of Days in Prejudgment Interest Period

	Begin Date	End Date	Days w/ Interest
			[f]
[e] 2022	7/20/22	12/31/2022	165
2023	1/1/2023	12/31/2023	365
[e] 2024	1/1/2024	10/25/24	299

[d] Prejudgment Interest Rate per annum = **12.0%** Per Counsel

[e] Prejudgment Interest Period = July 20, 2022 through October 25, 2024. Per Counsel

[f] Number of Days in Prejudgment Interest Period = [End Date] - [Begin Date] + 1

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Appendix 2

Summary of Damages + Prejudgment Interest

Calculation of Damages + Daily and Cumulative Prejudgment Interest Post October 25, 2024

Date	Reveal Lasers			Robert Daley Chris Chambers		
	Daily Simple Interest	Cumulative Interest	Damages + Interest	Daily Simple Interest	Cumulative Interest	Damages + Interest
[a]	[b]		[b]			
10/25/24		\$4,084,190.43	\$19,084,190.43		\$1,361,396.81	\$6,361,396.81
10/26/24	4,918.03	4,089,108.47	19,089,108.47	1,639.34	1,363,036.16	6,363,036.16
10/27/24	4,918.03	4,094,026.50	19,094,026.50	1,639.34	1,364,675.50	6,364,675.50
10/28/24	4,918.03	4,098,944.53	19,098,944.53	1,639.34	1,366,314.84	6,366,314.84
10/29/24	4,918.03	4,103,862.56	19,103,862.56	1,639.34	1,367,954.19	6,367,954.19
10/30/24	4,918.03	4,108,780.60	19,108,780.60	1,639.34	1,369,593.53	6,369,593.53
10/31/24	4,918.03	4,113,698.63	19,113,698.63	1,639.34	1,371,232.88	6,371,232.88
11/1/24	4,918.03	4,118,616.66	19,118,616.66	1,639.34	1,372,872.22	6,372,872.22
11/2/24	4,918.03	4,123,534.70	19,123,534.70	1,639.34	1,374,511.57	6,374,511.57
11/3/24	4,918.03	4,128,452.73	19,128,452.73	1,639.34	1,376,150.91	6,376,150.91
11/4/24	4,918.03	4,133,370.76	19,133,370.76	1,639.34	1,377,790.25	6,377,790.25
11/5/24	4,918.03	4,138,288.79	19,138,288.79	1,639.34	1,379,429.60	6,379,429.60
11/6/24	4,918.03	4,143,206.83	19,143,206.83	1,639.34	1,381,068.94	6,381,068.94
11/7/24	4,918.03	4,148,124.86	19,148,124.86	1,639.34	1,382,708.29	6,382,708.29
11/8/24	4,918.03	4,153,042.89	19,153,042.89	1,639.34	1,384,347.63	6,384,347.63
11/9/24	4,918.03	4,157,960.93	19,157,960.93	1,639.34	1,385,986.98	6,385,986.98
11/10/24	4,918.03	4,162,878.96	19,162,878.96	1,639.34	1,387,626.32	6,387,626.32
11/11/24	4,918.03	4,167,796.99	19,167,796.99	1,639.34	1,389,265.66	6,389,265.66
11/12/24	4,918.03	4,172,715.02	19,172,715.02	1,639.34	1,390,905.01	6,390,905.01
11/13/24	4,918.03	4,177,633.06	19,177,633.06	1,639.34	1,392,544.35	6,392,544.35
11/14/24	4,918.03	4,182,551.09	19,182,551.09	1,639.34	1,394,183.70	6,394,183.70
11/15/24	4,918.03	4,187,469.12	19,187,469.12	1,639.34	1,395,823.04	6,395,823.04
11/16/24	4,918.03	4,192,387.15	19,192,387.15	1,639.34	1,397,462.38	6,397,462.38
11/17/24	4,918.03	4,197,305.19	19,197,305.19	1,639.34	1,399,101.73	6,399,101.73
11/18/24	4,918.03	4,202,223.22	19,202,223.22	1,639.34	1,400,741.07	6,400,741.07
11/19/24	4,918.03	4,207,141.25	19,207,141.25	1,639.34	1,402,380.42	6,402,380.42
11/20/24	4,918.03	4,212,059.29	19,212,059.29	1,639.34	1,404,019.76	6,404,019.76
11/21/24	4,918.03	4,216,977.32	19,216,977.32	1,639.34	1,405,659.11	6,405,659.11
11/22/24	4,918.03	4,221,895.35	19,221,895.35	1,639.34	1,407,298.45	6,407,298.45
11/23/24	4,918.03	4,226,813.38	19,226,813.38	1,639.34	1,408,937.79	6,408,937.79
11/24/24	4,918.03	4,231,731.42	19,231,731.42	1,639.34	1,410,577.14	6,410,577.14
11/25/24	4,918.03	4,236,649.45	19,236,649.45	1,639.34	1,412,216.48	6,412,216.48
11/26/24	4,918.03	4,241,567.48	19,241,567.48	1,639.34	1,413,855.83	6,413,855.83
11/27/24	4,918.03	4,246,485.52	19,246,485.52	1,639.34	1,415,495.17	6,415,495.17
11/28/24	4,918.03	4,251,403.55	19,251,403.55	1,639.34	1,417,134.52	6,417,134.52
11/29/24	4,918.03	4,256,321.58	19,256,321.58	1,639.34	1,418,773.86	6,418,773.86
11/30/24	4,918.03	4,261,239.61	19,261,239.61	1,639.34	1,420,413.20	6,420,413.20
12/1/24	4,918.03	4,266,157.65	19,266,157.65	1,639.34	1,422,052.55	6,422,052.55
12/2/24	4,918.03	4,271,075.68	19,271,075.68	1,639.34	1,423,691.89	6,423,691.89
12/3/24	4,918.03	4,275,993.71	19,275,993.71	1,639.34	1,425,331.24	6,425,331.24
12/4/24	4,918.03	4,280,911.74	19,280,911.74	1,639.34	1,426,970.58	6,426,970.58
12/5/24	4,918.03	4,285,829.78	19,285,829.78	1,639.34	1,428,609.93	6,428,609.93
12/6/24	4,918.03	4,290,747.81	19,290,747.81	1,639.34	1,430,249.27	6,430,249.27
12/7/24	4,918.03	4,295,665.84	19,295,665.84	1,639.34	1,431,888.61	6,431,888.61
12/8/24	4,918.03	4,300,583.88	19,300,583.88	1,639.34	1,433,527.96	6,433,527.96
12/9/24	4,918.03	4,305,501.91	19,305,501.91	1,639.34	1,435,167.30	6,435,167.30
12/10/24	4,918.03	4,310,419.94	19,310,419.94	1,639.34	1,436,806.65	6,436,806.65
12/11/24	4,918.03	4,315,337.97	19,315,337.97	1,639.34	1,438,445.99	6,438,445.99
12/12/24	4,918.03	4,320,256.01	19,320,256.01	1,639.34	1,440,085.34	6,440,085.34
12/13/24	4,918.03	4,325,174.04	19,325,174.04	1,639.34	1,441,724.68	6,441,724.68
12/14/24	4,918.03	4,330,092.07	19,330,092.07	1,639.34	1,443,364.02	6,443,364.02

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Summary of Damages + Prejudgment Interest

Calculation of Damages + Daily and Cumulative Prejudgment Interest Post October 25, 2024

Date	Reveal Lasers			Robert Daley Chris Chambers		
	Daily Simple Interest [b]	Cumulative Interest	Damages + Interest	Daily Simple Interest [b]	Cumulative Interest	Damages + Interest
12/15/24	4,918.03	4,335,010.11	19,335,010.11	1,639.34	1,445,003.37	6,445,003.37
12/16/24	4,918.03	4,339,928.14	19,339,928.14	1,639.34	1,446,642.71	6,446,642.71
12/17/24	4,918.03	4,344,846.17	19,344,846.17	1,639.34	1,448,282.06	6,448,282.06
12/18/24	4,918.03	4,349,764.20	19,349,764.20	1,639.34	1,449,921.40	6,449,921.40
12/19/24	4,918.03	4,354,682.24	19,354,682.24	1,639.34	1,451,560.75	6,451,560.75
12/20/24	4,918.03	4,359,600.27	19,359,600.27	1,639.34	1,453,200.09	6,453,200.09
12/21/24	4,918.03	4,364,518.30	19,364,518.30	1,639.34	1,454,839.43	6,454,839.43
12/22/24	4,918.03	4,369,436.34	19,369,436.34	1,639.34	1,456,478.78	6,456,478.78
12/23/24	4,918.03	4,374,354.37	19,374,354.37	1,639.34	1,458,118.12	6,458,118.12
12/24/24	4,918.03	4,379,272.40	19,379,272.40	1,639.34	1,459,757.47	6,459,757.47
12/25/24	4,918.03	4,384,190.43	19,384,190.43	1,639.34	1,461,396.81	6,461,396.81
12/26/24	4,918.03	4,389,108.47	19,389,108.47	1,639.34	1,463,036.16	6,463,036.16
12/27/24	4,918.03	4,394,026.50	19,394,026.50	1,639.34	1,464,675.50	6,464,675.50
12/28/24	4,918.03	4,398,944.53	19,398,944.53	1,639.34	1,466,314.84	6,466,314.84
12/29/24	4,918.03	4,403,862.56	19,403,862.56	1,639.34	1,467,954.19	6,467,954.19
12/30/24	4,918.03	4,408,780.60	19,408,780.60	1,639.34	1,469,593.53	6,469,593.53
12/31/24	4,918.03	4,413,698.63	19,413,698.63	1,639.34	1,471,232.88	6,471,232.88
1/1/25	4,918.03	4,418,616.66	19,418,616.66	1,639.34	1,472,872.22	6,472,872.22
1/2/25	4,918.03	4,423,534.70	19,423,534.70	1,639.34	1,474,511.57	6,474,511.57
1/3/25	4,918.03	4,428,452.73	19,428,452.73	1,639.34	1,476,150.91	6,476,150.91
1/4/25	4,918.03	4,433,370.76	19,433,370.76	1,639.34	1,477,790.25	6,477,790.25
1/5/25	4,918.03	4,438,288.79	19,438,288.79	1,639.34	1,479,429.60	6,479,429.60
1/6/25	4,918.03	4,443,206.83	19,443,206.83	1,639.34	1,481,068.94	6,481,068.94
1/7/25	4,918.03	4,448,124.86	19,448,124.86	1,639.34	1,482,708.29	6,482,708.29
1/8/25	4,918.03	4,453,042.89	19,453,042.89	1,639.34	1,484,347.63	6,484,347.63
1/9/25	4,918.03	4,457,960.93	19,457,960.93	1,639.34	1,485,986.98	6,485,986.98
1/10/25	4,918.03	4,462,878.96	19,462,878.96	1,639.34	1,487,626.32	6,487,626.32
1/11/25	4,918.03	4,467,796.99	19,467,796.99	1,639.34	1,489,265.66	6,489,265.66
1/12/25	4,918.03	4,472,715.02	19,472,715.02	1,639.34	1,490,905.01	6,490,905.01
1/13/25	4,918.03	4,477,633.06	19,477,633.06	1,639.34	1,492,544.35	6,492,544.35
1/14/25	4,918.03	4,482,551.09	19,482,551.09	1,639.34	1,494,183.70	6,494,183.70
1/15/25	4,918.03	4,487,469.12	19,487,469.12	1,639.34	1,495,823.04	6,495,823.04
1/16/25	4,918.03	4,492,387.15	19,492,387.15	1,639.34	1,497,462.38	6,497,462.38
1/17/25	4,918.03	4,497,305.19	19,497,305.19	1,639.34	1,499,101.73	6,499,101.73
1/18/25	4,918.03	4,502,223.22	19,502,223.22	1,639.34	1,500,741.07	6,500,741.07
1/19/25	4,918.03	4,507,141.25	19,507,141.25	1,639.34	1,502,380.42	6,502,380.42
1/20/25	4,918.03	4,512,059.29	19,512,059.29	1,639.34	1,504,019.76	6,504,019.76
1/21/25	4,918.03	4,516,977.32	19,516,977.32	1,639.34	1,505,659.11	6,505,659.11
1/22/25	4,918.03	4,521,895.35	19,521,895.35	1,639.34	1,507,298.45	6,507,298.45
1/23/25	4,918.03	4,526,813.38	19,526,813.38	1,639.34	1,508,937.79	6,508,937.79
1/24/25	4,918.03	4,531,731.42	19,531,731.42	1,639.34	1,510,577.14	6,510,577.14
1/25/25	4,918.03	4,536,649.45	19,536,649.45	1,639.34	1,512,216.48	6,512,216.48
1/26/25	4,918.03	4,541,567.48	19,541,567.48	1,639.34	1,513,855.83	6,513,855.83
1/27/25	4,918.03	4,546,485.52	19,546,485.52	1,639.34	1,515,495.17	6,515,495.17
1/28/25	4,918.03	4,551,403.55	19,551,403.55	1,639.34	1,517,134.52	6,517,134.52
1/29/25	4,918.03	4,556,321.58	19,556,321.58	1,639.34	1,518,773.86	6,518,773.86
1/30/25	4,918.03	4,561,239.61	19,561,239.61	1,639.34	1,520,413.20	6,520,413.20
1/31/25	4,918.03	4,566,157.65	19,566,157.65	1,639.34	1,522,052.55	6,522,052.55

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Appendix 2

Summary of Damages + Prejudgment Interest

Calculation of Damages + Daily and Cumulative Prejudgment Interest Post October 25, 2024

Date	Reveal Lasers			Robert Daley Chris Chambers		
	Daily Simple Interest	Cumulative Interest	Damages + Interest	Daily Simple Interest	Cumulative Interest	Damages + Interest
	[b]			[b]		

[a] Appendix 1

[b] Calculation of Daily Simple Interest

	Reveal Lasers	Daley/Chambers	
Damages Verdict	\$15,000,000	\$5,000,000	Appendix 1
Daily Prejudgment Interest Rate (2024)	0.032787%	0.032787%	Appendix 1
Daily Prejudgment Interest (2024)	\$4,918.03	\$1,639.34	